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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

| | |
|---|---|
| In Re<br><br>ACACIA MEDIA TECHNOLOGIES CORPORATION | Case No. C-05-01114JW<br><br>**REPLY DECLARATION OF DAVID S. BENYACAR IN SUPPORT OF ROUND 3 DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT OF INVALIDITY UNDER 35 U.S.C. § 112 OF THE '992, '863 AND '702 PATENTS**<br><br>Date: TBD<br>Time: TBD<br>Courtroom: 8, 4th Floor<br>Judge: Honorable James Ware |

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I, David S. Benyacar, hereby declare as follows:

1. I am a member of the law firm Kaye Scholer LLP, counsel of record for defendant Time Warner Cable Inc. I make this declaration from my own personal knowledge, and if called as a witness, I could and would testify competently hereto.

2. On April 3, 2009, the Round 3 defendants filed their "Round 3 Defendants' Reply Memorandum in Support of Their Motions for Summary Judgment of Invalidity Under 35 U.S.C. § 112 of the '992, '863 and '702 Patents" in this courthouse.

3. The following exhibits, attached hereto, are true and correct copies of the original documents:

Ex. A: September 7, 2006 Hearing Transcript; pp. 1, 160-168.

Ex. B: September 8, 2006 Hearing Transcript; pp. 1, 90-94.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3rd day of April, 2009, at New York, New York.

/s/ David. S. Benyacar

David S. Benyacar